

SUBJECT: Year 2000 (Y2K) Leave Restoration Policy

NEW MATERIAL: The U.S. Office of Personnel Management (OPM) published regulations in the Federal Register that simplify leave restoration procedures for employees who forfeit excess annual leave at the end of Leave Year 1999 because their services are required to carry out Y2K computer conversion efforts.

EFFECTIVE DATE: October 12, 1999

POLICY

USAID/General Notice
M/HR/PPIM/PP
10/12/1999

Subject: Year 2000 (Y2K) Leave Restoration Policy

The U.S. Office of Personnel Management (OPM) published regulations in the Federal Register that simplify leave restoration procedures for employees who forfeit excess annual leave at the end of Leave Year 1999 because their services are required to carry out Y2K computer conversion efforts. Affected employees are advised to read this notice in conjunction with general guidance on scheduling of annual leave subject to forfeiture and restoration of forfeited annual leave found in USAID General Notice, 1999 Annual Leave Reminder, dated October 1, 1999, and STATE 157736 regarding Y2K leave policy.

These regulations are summarized in Section No. 1 below. Agency procedures for restoring leave forfeited due to the completion of Y2K computer conversion efforts are set forth in Section No. 2 below.

1. Summary of OPM regulations (5 CFR 630.310)
 - a. Y2K computer conversion constitutes an exigency of the public business for leave restoration purpose.

By law (5 USC 6304), restoration of forfeited annual leave is permitted in limited circumstances due to illness, administrative error, or exigencies of the public business. OPM has determined that the Year 2000 computer conversion

effort is an exigency of the public business for the purpose of restoring annual leave forfeited under 5 USC 6304 and has established January 31, 2000, as the Government-wide termination date for the Y2K computer conversion exigency.

- b. Annual leave forfeited as a result of the Y2K computer conversion exigency is considered to have been scheduled in advance.

Under normal rules, agencies would be faced with the administrative burden of scheduling, canceling, and restoring annual leave subject to forfeiture for these employees at a time when they need to focus on Y2K computer conversion efforts. To streamline the process, OPM has determined that, by regulation, any leave lost due to the Y2K computer conversion exigency can be deemed to have been scheduled in advance, and therefore, eligible for restoration.

- c. Annual leave restored because of the Y2K computer conversion exigency must be used no later than the end of Leave Year 2002.

Pursuant to OPM regulations, forfeited annual leave that is restored to an employee because of the Year 2000 computer conversion exigency must be scheduled and used no later than the end of Leave Year 2002.

- d. Time limit extended for use of previously restored leave by employees whose services are determined necessary for completion of Y2K computer conversion efforts.

OPM has extended the time limits for use of restored leave by those employees involved in the Y2K computer conversion exigency who have previously restored leave. The time limit has been extended in recognition of the fact that employees involved in the Y2K computer conversion efforts need to be at work and also need to use their previously restored leave or it would have been forfeited with no possibility of further restoration. In accordance with OPM's regulations, employees involved in the Y2K computer conversion exigency have until the end of Leave Year 2002 to use any previously restored annual leave.

- e. An employee who was involved in the Y2K computer conversion exigency for part of Leave Year 1999 and then moves to another position not involved with the Y2K computer conversion

exigency must make a reasonable effort to schedule any excess annual leave to comply with the Agency's normal rules.

An employee whose services were determined necessary during the Y2K computer conversion exigency for a portion of Leave Year 1999 who moves to another position not involved with the Y2K exigency must make a reasonable effort to comply with the advance scheduling requirements set forth in USAID General Notice, 1999 Annual Leave Reminder, referenced above. (This notice requires employees to schedule with their supervisor any leave subject to forfeiture by November 20, 1999. If use-or-lose annual leave is scheduled after this cut-off date and not subsequently taken by the end of the leave year, the forfeited leave cannot then be restored to the employee.)

The OPM regulations provide that, in limited circumstances, an agency head or designee may exempt such an employee from the advance scheduling of leave subject to forfeiture, if it can be demonstrated that the employee was unable to comply with the scheduling requirement because of circumstances beyond the employee's control. For USAID employees, this determination is delegated to Assistant Administrators and Heads of Offices who are the designated officials for approval/disapproval of requests for leave restoration.

2. Leave Restoration Application Procedures

Agency policies/procedures in ADS 480 contain a process for officially canceling and restoring scheduled annual leave subject to forfeiture. This section outlines a streamlined process for the restoration of annual leave that has been forfeited as a result of the Y2K computer conversion exigency ONLY. These procedures DO NOT replace the leave restoration procedures set forth in ADS 480.

- a. Employees who have forfeited annual leave as a result of the Y2K computer conversion exigency must submit a written request for restoration to their supervisor for approval no later than April 1, 2000. Employees are to provide a copy of their Statement of Leave and Earnings (SEL) received for Pay Period 1 of Leave Year 2000, showing the excess annual leave subtracted from their annual leave account.

Supervisors will review the employee's request for leave restoration, ensuring that the annual leave was forfeited because the employee's services were determined necessary for completion of Y2K computer conversion efforts. Supervisors

will send approved requests for restoration to M/FM/P, specifying the number of hours to be restored subject to a leave audit.

M/FM/P will notify the employee of the number of hours of annual leave to be restored, and this will be reflected in a subsequent Statement of Leave and Earnings.

- b. Employees whose services are required for the Y2K computer conversion exigency who have previously restored annual leave at the end of Leave Year 1999 will be granted an extension of the time limit for use of the restored leave. In accordance with the new time limit authorized by the OPM regulation, employees involved in the Y2K computer conversion exigency have until the end of Leave Year 2002 to use any previously restored leave. To obtain an extension from M/FM/P, employees must submit a written request through their immediate supervisor to M/FM/P, asking that the time limit for use of their previously restored leave be extended in accordance with 5 CFR 630.310.

M/FM/P will send a response to the employee, notifying the employee that the time limit for use of the previously restored leave has been extended to the end of Leave Year 2002.

POINT OF CONTACT: Inquiries regarding this notice may be directed to Joann Jones, M/HR/PPIM/PP, on (202) 712-5048.

ads17/iu4-10